



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,389	08/13/2001	Steven H. Rodrigues	112056-0030	6334

24267 7590 03/31/2004
CESARI AND MCKENNA, LLP
88 BLACK FALCON AVENUE
BOSTON, MA 02210

EXAMINER

MCCARTHY, CHRISTOPHER S

ART UNIT	PAPER NUMBER
----------	--------------

2113

5

DATE MAILED: 03/31/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/928,389	Applicant(s) RODRIGUES ET AL.	
	Examiner Christopher S. McCarthy	Art Unit 2113	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 32-35 is/are allowed.
- 6) ☒ Claim(s) 1,2,14,15 and 26-271 is/are rejected.
- 7) ☒ Claim(s) 3-13, 16-25, 28-31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2-4</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 14-15, 26-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Burkes et al. U.S. Patent 5,664,187.

As per claim 1, Burkes teaches a method for managing a time-limited long-running process carried out upon an array of disks (column 1, lines 59-67) comprising the steps of establishing a registry of entry with respect to each of a plurality of groups of disks of the array of disks having a value indicative of a respective time at which each of the group was last acted-upon by the long-running process; and performing the long-running process on each of the groups based upon an order in which the groups having an oldest last acted-upon time are processed first and the groups having the newest last acted-upon time are processed last (column 10, line 46 – column 11, line 2; column 13, lines 34-46).

As per claim 2, Burkes teaches the method as set forth in claim 1 further comprising updating a value of the last acted-upon time for each of the groups as each of the groups is respectively completely process by the long running process (column 13, lines 34-46).

As per claim 14, Burkes teaches a system for managing a time-limited long-running process carried out upon an array of disks (column 1, lines 59-67) comprising a registry that stores an entry with respect to each of a plurality of groups of disks of the array of disks having a value indicative of a respective time at which each of the group was last acted-upon by the long-running process; and a sorting long-running process on each of the groups based upon an order in which the groups having an oldest last acted-upon time are processed first and the groups having the newest last acted-upon time are processed last (column 10, line 46 – column 11, line 2; column 13, lines 34-46).

As per claim 15, Burkes teaches the system as set forth in claim 14 further comprising means for updating a value of the last acted-upon time for each of the groups as each of the groups is respectively completely process by the long running process (column 13, lines 34-46).

As per claim 26, Burkes teaches a computer-readable medium including program instructions for managing a time-limited long-running process carried out upon an array of disks (column 1, lines 59-67), the program instructions performing the steps of establishing a registry of entry with respect to each of a plurality of groups of disks of the array of disks having a value indicative of a respective time at which each of the group was last acted-upon by the long-running process; and performing the long-running process on each of the groups based upon an order in which the groups having an oldest last acted-upon time are processed first and the groups having the newest last acted-upon time are processed last (column 10, line 46 – column 11, line 2; column 13, lines 34-46).

As per claim 27, Burkes teaches the computer-readable medium system as set forth in claim 26 further comprising updating a value of the last acted-upon time for each of the groups

Art Unit: 2113

as each of the groups is respectively completely process by the long running process (column 13, lines 34-46).

Allowable Subject Matter

3. Claims 32-35 are allowed.
4. Claims 3-13, 16-25, 28-31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Reasons for Allowance

5. The following is an examiner's statement of reasons for allowance: When read as a whole, claim 32 is allowable with respect to the following limitation:

As per claim 32, the primary reason for allowance is the limitation of a file system identifier indicating a volume of the disk array and a group identifier indicating a discrete storage organizational group of the volume, each of the file system identifier and the group identifier corresponding with identifiers stored within one or more disks of the array of disks.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher S. McCarthy whose telephone number is (703)305-7599. The examiner can normally be reached on M-F, 8 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (703)305-9713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

csm
March 29, 2004



ROBERT BEAUSOLIEL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100